

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRIAN RICHARDSON, *et al.*, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

VERDE ENERGY USA, INC.,

Defendant.

No.: 5:15-cv-06325-WB

**PLAINTIFFS' UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF AMENDED SETTLEMENT AGREEMENT**

Plaintiffs Brian Richardson, Michelle Hunt, Jacqueline Bowser, Kris Villager, and Donna Schley (“Plaintiffs”) respectfully move this Court pursuant to FED. R. CIV. P. 23 for entry of an Order:

- (1) preliminarily approving the Parties’ proposed Amended Stipulation and Agreement of Settlement (“Amended Settlement Agreement”)¹ as set forth in the Parties’ proposed Preliminary Approval Order, attached as Exhibit A to the Amended Settlement Agreement;
- (2) preliminarily certifying, only for purposes of the proposed Settlement, the Settlement Class defined in the Amended Settlement Agreement;
- (3) approving as to form and content the Notice of Class Action Settlement (the “Notice”) and the Claim Form, attached, respectively, as Exhibits B and C to the Settlement Agreement;

¹ Unless otherwise stated, all capitalized terms used in this Motion are as defined in the Amended Settlement Agreement dated December 19, 2019. A copy of the Amended Settlement Agreement is attached to this Motion as Exhibit 1.

- (4) approving the proposed procedures for dissemination of the Notice in the manner set forth in the proposed Preliminary Approval Order, as being the best notice practicable under the circumstances and in accord with the requirements of due process and FED. R. CIV. P. 23;
- (5) appointing Angeion Group, LLC to serve as the Settlement Administrator;
- (6) preliminarily appointing, for settlement purposes only, Shanon J. Carson and Lane L. Vines of Berger Montague PC, W. Craft Hughes and Jarrett L. Ellzey of Hughes Ellzey, LLP, Joshua Arisohn of Burson & Fisher, P.A., and Ari H. Marcus of Marcus & Zelman, LLC to serve as class counsel;
- (7) setting the date of the Final Approval Hearing; and
- (8) establishing deadlines for filing the Motion for Attorneys' Fees, Costs and Service Awards, the Motion for Final Approval of the Settlement, and for Settlement Class Members to request exclusion from or object to the Settlement.

The grounds on which this Motion is based are set forth in the accompanying Memorandum of Law. Accordingly, Plaintiffs respectfully request that this unopposed Motion be granted and that the Court enter the Parties' proposed Preliminary Approval Order.

Dated: December 19, 2019

Respectfully submitted,

BERGER MONTAGUE PC

By: /s/ Shanon J. Carson

Shanon J. Carson (scarson@bm.net)
Lane L. Vines (lvines@bm.net)
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Tel.: (215) 875-3000
Fax: (215) 875-4604

W. Craft Hughes (craft@hugesellzey.com)
Jarrett L. Ellzey (jarrett@hugesellzey.com)
HUGHES ELLZEY, LLP
2700 Post Oak Boulevard, Suite 1120
Galleria Tower I
Houston, TX 77056
Tel.: (713) 554-2377
Fax: (888) 995-3335

Scott A. Bursor (scott@bursor.com)
Joseph I. Marchese (jmarchese@bursor.com)
Joshua D. Arisohn (jarisohn@bursor.com)
BURSOR & FISHER, P.A.
888 Seventh Avenue
New York, NY 10019
Tel.: (646) 837-7150
Fax: (212) 989-9163

Ari H. Marcus (ari@marcuszelman.com)
MARCUS & ZELMAN, LLC
701 Cookman Avenue, Suite 300
Asbury Park, NJ 07712
Tel.: (732) 695-3282
Fax: (732) 298-6256

Attorneys for Plaintiffs and the Proposed Settlement Class

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2019, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Shanon J. Carson

Shanon J. Carson